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SYOSSET, NY 11791

In re Application of :
DREXLER, Joannes Herman :
Application No.: 10/518,700 : DECISION
PCT No.: PCT/NL03/00453 :
Int. Filing Date: 20 June 2003 : ON REQUEST UNDER
Priority Date: 20 June 2002 :
Attorney's Docket No.: 903-127 PCT/US : 37 CFR 1.42
For: CHILD SEAT :

This decision is in response to applicant's renewed request under 37 CFR 1.42 filed in the United States Patent and Trademark Office on 13 September 2006.

BACKGROUND

On 13 July 2006, the Office mailed Decision On Requests Under 37 CFR 1.497(d) and 1.42, refusing applicants' requests and setting a two month period for reply.

On 13 September 2006, applicants filed this renewed request under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists these elements, however the declaration appears to have been pieced together from at least two separately executed declarations.

The declaration contains one page 1 and one page 2, but two pages 3. The pages 3 list the same people, but are separately executed. While it is acceptable for the inventors or legal representatives to execute separate copies of the oath or declaration, the complete oath or declaration as executed must be submitted. It is unacceptable to piece together separately executed declarations to create a single composite declaration.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.42 is **REFUSED**.

A proper response is required within a period of **TWO (2) MONTHS** from the mail date of this decision. The response should be entitled "Renewed Request Under 37 CFR 1.42." Failure to timely

response will result in the ABANDONMENT of this application. Extensions of time for both responses are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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